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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TOMSIK PHOTOGRAPHY, LLC, a Nevada  
limited liability corporation;

Plaintiff,

v.

ALWAYS AND FOREVER LAKESHORE  
EVENTS, LLC., a Nevada limited liability  
corporation; RAQUEL A. RYAN, an  
individual,

Defendants.

Case No.: 2:15-cv-01428

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

TOMSIK PHOTOGRAPHY, LLC (“TOMSIK PHOTOGRAPHY”), by and through his  
attorneys of record, the law firm Cooper Coons, Ltd. (“COOPER COONS”), hereby demands  
damages and requests injunctive relief against the above-named defendants, upon information  
and belief, as follows:

**NATURE OF ACTION**

1. This is an action for copyright infringement under 17 U.S.C. §501 et seq. and  
misappropriation of licensable commercial properties under Nevada common law. As a result of  
the unlawful actions set forth herein, TOMSIK PHOTOGRAPHY seeks injunctive relief and the  
recovery of actual damages, treble damages, special damages, costs of suit, attorneys’ fees, and  
such other relief as the Court may deem appropriate.

**PARTIES**

1. TOMSIK PHOTOGRAPHY is, and has been at all times relevant to this lawsuit, a Nevada limited liability company with its principle place of business in Nevada.

2. ALWAYS AND FOREVER LAKESHORE EVENTS, LLC is, and has been at all times relevant to this lawsuit, a Nevada limited liability company with its principle place of business in Nevada.

3. RAQUEL A. RYAN is, and has been at all times relevant to this lawsuit, a Nevada resident.

**JURISDICTION**

4. This Court has original jurisdiction this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

5. Defendants ALWAYS AND FOREVER LAKESHORE EVENTS, LLC and RAQUEL A. RYAN, (collectively as “Defendants”), have subjected themselves to personal jurisdiction in Nevada by doing business in Nevada.

6. TOMSIK PHOTOGRAPHY is the owner of the copyright in the photograph (the “Work” or the “Photograph”), attached hereto as Exhibit 1.

7. At all times relevant to this lawsuit, the Work has depicted and depicts the original source as TOMSIK PHOTOGRAPHY.

8. The Defendants willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.

9. On or about June of 2013, the Defendants began to display an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the website <<http://lasvegaswedding4u.com>> (the “Website”).

10. On April 10, 2015, Defendant RYAN was sent a cease and desist letter.

11. On April 13, 2015, Defendant ALWAYS AND FOREVER LAKESHORE EVENTS, LLC was sent a cease a desist letter.

12. Upon information and belief, Defendants continued the willfully copied unauthorized use of a substantial and significant portion of the Work from a source emanating

1 from Nevada.

2 **VENUE**

3 13. This action is appropriately venued in the District of Nevada, pursuant to 28  
4 U.S.C. § 1391(b) and (c), because Defendants are subject to personal jurisdiction in the District  
5 of Nevada with their principle place of business in Nevada and a substantial part of the events  
6 giving rise to the claims for relief are situated in Nevada.

7  
8 **FACTS**

9 14. The work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §  
10 102(a)(1).

11 15. TOMSIK PHOTOGRAPHY is the owner of the copyright in and to the Work.

12 16. The Work was originally published on June 18, 2013.

13 17. On April 10, 2015, the United States Copyright Office (the “USCO”) granted  
14 Trey Tomsik the registration to the Work, copyright registration number VA 1-956-849 (the  
15 “Registration”) and attached hereto as Exhibit 3 is evidence of the Registration from the official  
16 USCO database record depicting the occurrence of the Registration.

17 18. Trey Tomsik has assigned the rights to enforce the Registration to TOMSIK  
18 PHOTOGRAPHY.

19 19. On or about June of 2013, the Defendants began displaying the Infringement on  
20 the Website.

21 20. The Defendants did not seek permission, in any manner, to reproduce, display, or  
22 otherwise exploit the Work.

23 21. The Defendants were not granted permission, in any manner, to reproduce,  
24 display, or otherwise exploit the Work.

25 **FIRST CAUSE OF ACTION**

26 **COPYRIGHT INFRINGEMENT**

27 22. TOMSIK PHOTOGRAPHY repeats and realleges the allegations set forth in  
28 Paragraphs 1 through 21 above.

23. TOMSIK PHOTOGRAPHY holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

24. TOMSIK PHOTOGRAPHY holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

25. TOMSIK PHOTOGRAPHY holds the exclusive right to distribute copies of the Work, pursuant to 17 U.S.C. § 106(3).

26. TOMSIK PHOTOGRAPHY holds the exclusive right to publicly display the Work, pursuant to 17 U.S.C. § 106(5).

27. The Defendants reproduced the Work in derogation of TOMSIK PHOTOGRAPHY's exclusive rights under 17 U.S.C. § 106(1).

28. The Defendants created an unauthorized derivative of the Work in derogation of TOMSIK PHOTOGRAPHY's exclusive rights under 17 U.S.C. § 106(2).

29. The Defendants distributed and continue to distribute an unauthorized reproduction of the Work in derogation of TOMSIK PHOTOGRAPHY's exclusive rights under 17 U.S.C. § 106(3).

30. ALWAYS AND FOREVER LAKESHORE EVENTS, LLC has willfully engaged in the copyright infringement of the Work.

31. RAQUEL A. RYAN has willfully engaged in the copyright infringement of the Work.

32. The Defendants' acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to TOMSIK PHOTOGRAPHY in an amount TOMSIK PHOTOGRAPHY cannot ascertain, leaving TOMSIK PHOTOGRAPHY with no adequate remedy at law.

33. Unless the Defendants are enjoined from further infringement of the Work, TOMSIK PHOTOGRAPHY will be irreparably harmed.

34. TOMSIK PHOTOGRAPHY is entitled to preliminary and permanent injunctive relief against further infringement by the Defendants of the Work, pursuant to 17 U.S.C. § 502.

**PRAYER FOR RELIEF**

TOMSIK PHOTOGRAPHY requests that this Court grant TOMSIK PHOTOGRAPHY's claim for relief herein as follows:

1. Preliminary and permanently enjoin and restrain the Defendants, the Defendants' servants, employees, attorneys, agents, representatives, and distributors, and all other persons acting in concert or participation with the Defendants, from:
  - a. Directly or indirectly infringing the Work by reproducing the Work;
  - b. Preparing derivative works based on the Work;
  - c. Distributing the Work to the public;
  - d. Displaying the Work or otherwise ordering, directing, participating in, or assisting in any such activity; and
  - e. Engaging in any further conduct that infringes on the Work;
2. Order the Defendants to destroy and dispose of all of the Defendants' materials bearing in any manner the Work and/or any similar variation thereof, including, without limitation, books, periodicals, advertising materials, promotional materials, drawings, brochures, catalogs, stationery, business forms, business cards, labels, signs, and stickers; and file with this Court and serve upon TOMSIK PHOTOGRAPHY, within 30 days after being served with this Court's injunction(s) and/or order(s) granting such relief, a written report signed by the Defendants under oath, setting forth in detail the manner in which the Defendants complied with the Court's injunction(s) and/or order(s);
3. Award TOMSIK PHOTOGRAPHY statutory damages for the willful infringement of the Work pursuant to 17 U.S.C. §504 (c);
4. Award TOMSIK PHOTOGRAPHY costs, disbursements, and attorneys' fees incurred by TOMSIK PHOTOGRAPHY in bringing this action pursuant to 17 U.S.C. § 505;
5. Award TOMISK PHOTOGRAPHY pre- and post-judgment interest as provided by law; and

1 6. Grant TOMSIK PHOTOGRAPHY such other relief as this Court deems appropriate.

2 **DEMAND FOR JURY TRIAL**

3 TOMSIK PHOTOGRAPHY requests a trial by jury pursuant to Fed. R. Civ. Pro. 38.

4 Dated this 27th day of July, 2015.

5  
6 COOPER COONS, LTD.  
7 *Attorneys at Law*

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